

COUNTY OF YORK

MEMORANDUM

DATE: September 30, 2002 (BOS Mtg. 10/15/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-604-02, Randy Firth/Total Home Improvements, Inc.

ISSUE

This application requests a special use permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance, to authorize outdoor storage in conjunction with an existing contractor's shop. The subject parcel is located at 4033 George Washington Highway (Route 17) and is further identified as Assessor's Parcel No. 30-14-3. This property is currently the subject of a zoning violation notice, issued for illegal outdoor storage, and this application has been submitted to resolve the violation.

DESCRIPTION

- ? Property Owner: Total Home Improvements, Inc.
- ? Location: 4033 George Washington Memorial Highway (Route 17)
- ? Area: 17,236 square feet
- ? Frontage: Approximately 95 feet on Route 17
- ? Utilities: The property is currently served by public water and sewer
- ? Topography: Flat
- ? 2015 Land Use Map Designation: General Business
- ? Zoning Classification: GB – General Business
- ? Existing Development: Contractor's Shop
- ? Surrounding Development:
 - North: Vacant Lot
 - East: Across Route 17; Harwood Village Office Complex
 - South: Dentist Office
 - West: Harwoods Mill Reservoir Property
- ? Proposed Development: Outdoor storage in conjunction with existing contractor's shop.

CONSIDERATIONS/CONCLUSIONS

1. The Comprehensive Plan designates this area for General Business, and the property is zoned GB – General Business. While the contractor's shop is a use permitted by right in the GB district, outside storage requires approval of a special use permit. The applicant operates a home improvements contracting business and has been storing materials related to the business in the yard area to the rear of the shop building. In addition to the shop building, the property includes a 180-square foot storage shed in the rear yard and outside display of a model screened porch and sun-room sold by the company located in the side yard adjacent to the northern side of the shop building. The applicant has indicated a contractor's business has been located on the site for over five years. The main shop building has recently been renovated with the installation of new siding and a new roof.
2. Land uses surrounding the subject property are non-residential in nature (vacant commercial property, dentist office and Newport News Waterworks property). I do not believe a contractor's storage yard would be considered suitable in other areas of the Route 17 corridor that abut residential uses and/or residential zoning districts. However, since there are no abutting residential properties, and since the potential size of this storage yard is relatively small, I believe that the proposed use is acceptable in this specific location, provided applicable standards and the recommended approval conditions outlined below are addressed.
3. Land Use Goal No. 7.1 of the Comprehensive Plan calls for enhancement of the visual appeal of the County's major transportation corridors, especially the Route 17 corridor. A specific tool set forth for the improvement of the Route 17 corridor is to "establish new landscaped areas within the right-of-way *as well as within existing and new development* (emphasis added)." There is little or no existing landscaping on the property. Therefore, in support of this goal, I recommend that supplemental plantings be installed around the perimeter of the parking area with special attention being given to the side of the parking area parallel to Route 17. A recommended approval condition addresses this issue.
4. Section 24.1-486 of the Zoning Ordinance sets forth the standards required of home improvement and building contractors' shops and storage yards. These standards include screening of views from adjacent streets and commercial and residential properties. Specifically, the Ordinance states, "Storage yards for construction materials and equipment shall be designed and located so as to minimize visual impacts on adjacent properties and public rights-of-way. Landscaping supplemented by fencing, if necessary, shall be required to enclose and screen such storage yards from direct views from adjacent public streets or from adjacent commercial or residential properties." The applicant's sketch plan indicates two rows of six-foot high fencing bordering the storage area, one crossing the property behind the shop building and the second bordering the northern side yard of the property. To fully comply with the noted standard, fencing should also be installed bordering the southern side of the storage area to provide screening for future development on the abutting commercially zoned property. Since the back of the proposed storage yard abuts wooded Newport News Waterworks property, I do not believe a fence is needed along the

rear property line. However, under the terms of the Zoning Ordinance a 10-foot landscaped yard will be required and must be maintained along the rear property line.

Also, although not clearly delineated on the attached sketch plan, the fence along the side property lines should be set back 10 feet from the property line to provide room for the required landscaping and to help buffer the views of the storage yard from the adjoining properties. Condition No. 3 in the proposed resolution has been modified from the version approved by the Planning Commission in order to clarify this point.

Section 24.1-486 further states, "The location of such outdoor storage areas shall be consistent with all applicable standards of the district in which located." According to Section 24.1-333(b), a 10-foot side yard must be maintained for all special uses. In addition, the BOCA National Fire Safety Code requires a setback of at least 15 feet from property lines and buildings for outdoor storage of flammable or combustible materials. Accordingly, storage of many of the types of materials likely to be used in a contracting business cannot be located closer than 15 feet to the property's side yards. I am recommending approval conditions to address compliance with the above-noted standards.

5. As previously noted, the applicant has an outdoor display of screened porch and sunroom models sold by the business. In accordance with Section 24.1-486 of the Zoning Ordinance, outdoor display is permitted in the GB district provided the display is located within the side yard (or within 10 feet of the front of the building) and is not located within parking areas. A recent site inspection revealed that the models were actually located within the property's front yard. I have included an approval condition to address proper location of the outdoor display.
6. The applicant has parked a tractor-trailer type trailer behind the building and appears to be using it for storage in conjunction with the business. Such trailers are sometimes used by contractors for job-site storage and are parked in their storage yards between jobs. In such cases, the temporary between-job parking at the contractor's shop is considered to be a permissible incidental activity. However, in this case, because of the highly visible Route 17 location of this site, I do not believe that between-job parking of an old tractor-trailer trailer is appropriate. Therefore, I am recommending that Condition No. 6 of the proposed resolution include additional language to allow only the parking of small utility/cargo trailers (towable by a pick-up truck), and only within the fenced area, and to specifically prohibit parking of the larger tractor-trailer type trailers.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on September 11, 2002 and, subsequent to conducting a public hearing at which no one spoke, voted 7:0 to recommend approval.

RECOMMENDATION

In most other locations along the Route 17 corridor I do not believe that outdoor contractor's storage would even be appropriate for consideration. Primary among the reasons not to consider it appropriate would be proximity to residential development. Here, there are no abutting residences. Also, such uses can be unattractive from the roadway or from adjoining properties. Here, the property is relatively narrow and the existing contractor's office building shields the view of most of the rear storage area from Route 17, and the proposed fence and landscaping will shield the remaining view, both along the front and the sides. Finally, the size of the parcel will limit the size and intensity of the storage yard operation, which will help maintain compatibility with the Route 17 corridor enhancement objectives and with the adjoining properties.

While the applicant has done a good job of improving the appearance of the existing building on the site, and while the Planning Commission and I are recommending approval of the application, I think it is important for this and other applicants to understand that the County does not condone the practice of after-the-fact applications to legalize activities that should have been approved through required procedures before their establishment (i.e., the outdoor storage in this case). Nevertheless, for the reasons and considerations noted above, I believe that this use can be operated in a manner compatible with its surroundings and the aesthetic objectives for Route 17, provided that the recommended conditions are observed.

Therefore, based on the considerations outlined above, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R02-173.

Carter/3337

Attachments:

- ? Excerpts of Planning Commission minutes, September 11, 2002
- ? Zoning Map
- ? Vicinity Map
- ? Sketch Plan
- ? Proposed Resolution R02-173